

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Motors of Kingsville, Maryland (Registered Importer R-90-006) petitioned NHTSA to decide whether 1987 and 1988 Toyota Van MPVs are eligible for importation into the United States. NHTSA published notice of the petition on January 27, 1997 (62 FR 3940) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP-200 is the vehicle eligibility number assigned to vehicles admissible under this decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that 1987 and 1988 Toyota Van MPVs not originally manufactured to comply with all applicable Federal motor vehicle safety standards are substantially similar to 1987 and 1988 Toyota Van MPVs originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. § 30115, and are capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: March 27, 1997.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.
[FR Doc. 97-8522 Filed 4-2-97; 8:45 am]

BILLING CODE 4910-59-P

[Docket No. 96-129; Notice 2]

General Motors Corporation; Grant of Application for Decision of Inconsequential Noncompliance

This notice grants the application by General Motors Corporation (GM) of Warren, Michigan, to be exempted from the notification and remedy requirements of 49 U.S.C. 30118(d), and 30120(h) for a noncompliance with 49 CFR 571.108, Federal Motor Vehicle Safety Standard (FMVSS) No. 108, "Lamps, Reflective Devices and Associated Equipment." The basis of the application is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the application was published on December 18, 1996, and an opportunity afforded for comment (61 FR 66744).

Paragraph S5.5.11(a)(2) of FMVSS No. 108 requires that any pair of lamps on the front of a passenger car, * * * other than parking lamps or fog lamps, may be wired to be automatically activated, as determined by the manufacturer of the vehicle, * * * provided that each such lamp is permanently marked "DRL" on its lens in letters not less than 3 mm high, unless it is optically combined with a headlamp.

GM's description of the noncompliance follows:

GM recently discovered that the combination park/turn signal lamp for the 1997 Pontiac Firebird vehicles had been released without the required "DRL" marking on the face of the lamp. The condition was corrected in September 1996. Approximately 4,500 vehicles were produced without "DRL" marked on the lamps.

GM supported its application for inconsequential noncompliance with the following reasons:

The park/turn signal lamps meet all substantive requirements of FMVSS 108 for all functions; the sole noncompliance concerns the marking on the lamps for the voluntary DRL function.

NHTSA adopted a lens marking requirement in the final rule promulgating DRL provisions because of a concern that state enforcement and vehicle inspection officials would not be able to "distinguish between legal and illegal lamps and lamp combinations in the absence of marking." 58 Fed. Reg. 3504 (1993).

While NHTSA adopted "DRL" as the required marking, it had considered an alternate proposal to adopt the "Y2" identification code specified in SAE Recommended Practice J759, Lighting Identification Code, January 1995 (SAE J579).

The agency chose to require the "DRL" marking apparently not because of a state inspection concern, but because the SAE specifications were not identical to the federal ones. NHTSA reasoned that "to adopt the SAE designation would be inaccurate and confusing because it would signify adoption of the SAE requirements * * *." Id.

In this instance, the subject vehicles include the "Y2" marking specified by SAE J759. Thus, while the lamps do not meet the explicit federal marking requirements, they do provide an indication to state officials that the lamps are intended to be used as DRLs. Moreover, the concern expressed by NHTSA in the final rule about the SAE designation does not apply here since the subject lamps meet the substantive requirements of both FMVSS 108 and SAE J759.

The owner's manual for the Firebird explains that the DRL function is provided by the park/turn signal lamp. A state inspector who is unclear about the "Y2" designation would have alternate means of confirming that the turn signal portion of the lamp properly provides a DRL function.

The population of subject vehicles is small, so any confusion created by the condition would be minimal.

GM is not aware of any customer complaints concerning the absence of the "DRL" marking.

No comments were received on the application.

Discussion and Recommendation

The agency has carefully reviewed GM's analyses. Because the lens marking requirement was initially promulgated by the agency to enable state enforcement and vehicle inspection officials to distinguish between legal and illegal lamps and lamp combinations, NHTSA believes that the omission of the "DRL" marking will not compromise motor vehicle safety for the reasons expressed by GM.

Accordingly, for the reasons expressed above, the petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential to motor vehicle safety, and the agency grants GM's application for exemption from notification of the noncompliance as required by 49 U.S.C. 30118 and from remedy as required by 49 U.S.C. 30120. (49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on: March 31, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97-8537 Filed 4-2-97; 8:45 am]

BILLING CODE 4910-59-P